

Application Serial No.: 10/085,059
Amendment filed on June 30, 2003
Reply to Office Action dated March 28, 2003

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 3-10 are presently active in this case, Claims 1 and 3-9 having been amended, Claim 2 having been canceled, and Claim 10 having been added by way of the present Amendment.

In the outstanding Official Action, Claims 4-9 were objected to under 37 CFR 1.75© as being in improper multiple dependent form. The claims have been amended to remove all improper multiple dependencies. Accordingly, the Applicant requests the withdrawal of the objection to the claims.

Claims 1-3 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to ensure proper antecedent basis for the “two sets.” The claims have been amended to remove the word “electric” in the preamble in order to avoid confusion. Claim 2 has been canceled without prejudice or disclaimer. Additionally, Claim 3 has been amended to ensure proper antecedent basis for the phrases used therein. Accordingly, the Applicant respectfully requests the withdrawal of the indefiniteness rejections.

Claims 1-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 8-323766 in view of either Eggenberger et al. (U.S. Patent No. 3,729,283) or JP 8-276475. For the reasons discussed below, the Applicant requests the withdrawal of the obviousness rejection.

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The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because the cited references do not teach or suggest, either when taken singularly or in combination, all of the limitations recited in Claim 1 of the present application.

Claim 1 of the present application recites a split nut opening/closing device including, among other features, two connecting rods penetrate two sets of pairs of left half piece and right half piece provided respectively on tie bars. One end of the connecting rod is fixed to one half piece and the other half piece is slidably supported. *The slidably supported half piece and the one half piece are link connected so as to be brought into contact with and separated from each other. Additionally, driving means is provided wherein the movement of the one half piece is transmitted to the other half piece via a link mechanism*, and the other half piece is brought into contact with and separated from said one half piece in connection with said one half piece.

JP 8-323766 describes a combined mold consisting of a movable plate and a fixed plate. JP 8-323766 describes a holding device (30) in which an upper member (33) and a lower member (32) are brought into contact with and separated from each other by an electric bolt.

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USP 3,729,283 describes split nuts (96, 96') consisting of halves (94, 95 (94', 95')).

USP 3,729,283 describes that the halves (94, 95) come into close contact through connecting rods (104, 105) by pushing the halves (94, 95) that are connected to piston rods (101, 102) with a cylinder (100).

JP 8-276475 describes half nuts (14a, 14b and 16a, 16b) which support tie bars (10, 12). Also, a connecting bar (18b') that connects the half nut (14a) and the nut (16a), and a connecting bar (18b') that connects the half nut (14b) and the half nut (16b) are shown in JP 8-276475.

None of these references disclose or even suggest a configuration in which *a slidably supported half piece and the one half piece are link connected so as to be brought into contact with and separated from each other*, as recited in Claim 1 of the present application. No link connections are disclosed between any of the halves described in JP 8-323766, USP 3,729,283, or JP 8-276475. Furthermore, none of these references disclose or even suggest a driving means that is provided wherein *movement of the one half piece is transmitted to the other half piece via a link mechanism*, and the other half piece is brought into contact with and separated from the one half piece in connection with the one half piece, as recited in Claim 1. Accordingly, the Applicant respectfully submits that a *prima facie* case of obviousness cannot be established with respect to Claim 1 of the present application.

Claims 3-9 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

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Newly added Claim 10 is considered allowable as it recites features of the invention that are neither disclosed nor suggested by the references of record.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, PC.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367



22850

Customer Number 22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

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